

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison  
Company (U-338-E), Regarding the Future  
Disposition of the Mohave Generating Station.

Application 02-05-046  
(Filed May 17, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
DENYING MOTION OF THE  
OFFICE OF RATEPAYER ADVOCATES TO DISMISS APPLICATION  
OF SOUTHERN CALIFORNIA EDISON**

**Summary**

This ruling denies the motion of the Office of Rate Payer Advocates (ORA) to dismiss Southern California Edison Company's (Edison) application, without prejudice, so that Edison can provide a more complete showing to support the options set forth in the application. The Commission reserves the right to direct Edison to file supplemental testimony, if necessary, to support the alternatives discussed in the application.

**Background**

Edison filed its Application (A.) 02-05-046 on May 17, 2002, regarding the future disposition of the Mohave Generating Station (Mohave). The application asked the Commission to choose between two specific courses of action:

(1) authorize shutting down the facility by the end of 2005 or (2) authorize the expenditure for pollution control and other capital expenditures.

Protests were received from the following: Hopi Tribe, Navaho Nation, Center for Energy and Economic Development (CEED), Coalition of California Utility Employees (CUE), Peabody Western Coal Company (PWCC), The Utility Reform Network (TURN), and ORA.<sup>1</sup>

Simultaneously with its protest, ORA filed the motion to dismiss the application. The following responded to ORA's motion: Navaho Nation, CUE, The Hopi Tribe, and PWCC.

### **Summary of Positions**

In summary, ORA contends that Edison's application does not provide a sufficient showing on options and economic consequences to consumers. ORA is concerned that without an analysis of the costs and benefits of each option the Commission will not have enough information to make an informed decision about the potential ratepayer benefits of the different approaches to Mohave.

The Hopi Tribe opposed ORA's motion primarily on the ground that delaying consideration of Mohave's future would cause serious and concrete harm and is unnecessary since all feasible alternatives can be examined now. The Navajo Nation urges the Commission to reject ORA's motion, since a dismissal of the proceeding "is a recipe for disaster." Instead, the Navajo Nation suggests that the Commission order Edison to file an application for a Certificate of Public Convenience and Necessity re: the continued operation of the Mohave facility after 2005. CUE also opposes ORA's motion arguing that the Commission's obligation to ratepayers compels expeditious consideration of the

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<sup>1</sup> Motions to Intervene were filed by Black Mesa Pipeline Company Inc. (Black Mesa), Power District, and Salt River Project Agricultural Improvement (SRP). The motions were granted. SRP also filed for leave to late-file comments, and leave was granted.

issue. PWCC follows suit with the other opposing parties and urges that ORA's motion be denied because there is an urgency in resolving the future status of the Mohave facility, and any delay exposes ratepayers to the risks of the market and could result in a permanent shutdown of the station. PWCC believes that a shutdown is not in the best interest of any party to the proceeding or to the public at large.

No party supports ORA's motion.

### **Discussion**

The Commission is concerned with handling this proceeding in as expeditious manner as is logistically possible. The final decision will have significant impacts on all the parties involved, including the utility employees and their families, the communities where they live and work, ratepayers, electric consumers, coal and water workers, the Navaho Nation and the Hopi Tribe, and environmentalists. The Commission is not convinced that the delay requested by ORA is necessary, or that it would facilitate the Commission's analysis and decision-making. On the other hand, any delay has the potential for exacerbating the situation at the Mohave facility, and continued uncertainty is not in the best interest of the affected people.

ORA's motion to dismiss Edison's application is denied, without prejudice. If the Commission determines that additional information from Edison would be helpful, it will direct Edison to augment its testimony.

Therefore, **IT IS RULED** that the motion of the Office of Ratepayer Advocates to dismiss Southern California Edison Company's application is denied.

Dated September 10, 2002, at San Francisco, California.

/s/ CAROL A. BROWN

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Carol A. Brown  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion of The Office of Ratepayer Advocates to Dismiss Application of Southern California Edison on all parties of record in this proceeding or their attorneys of record. In addition service was also performed by electronic mail.

Dated September 10, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.